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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/826,738	BLEDSOE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	AKWASI M. SARPONG	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 July 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4, 7-38 and 43-46 is/are pending in the application.  
 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 7-38 and 43-46 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>04/16/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 1, 17, 27, 30 and 43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims a first and a second state of the print mechanism however in the specification or the Drawings the applicant fails to either explain or disclose what the first and the second state is referring to. The applicant mentioned a first state and a second state in paragraph 0003 but does not describe it for one ordinary skilled in the art to fully understand and use the invention.

2. Also In claims 1, 17, 27, 30 and 43 applicant describes “a first state” as a state where the print mechanism is disallowed from executing or (running) software for functionality.

In claim 3 applicants also claims that the first state comprises of a first level of performance. Understand that a level of performance means that there is a sort of execution of some sort of functional capability. There is a contradiction between these two claims in regards to the first state of the print mechanism. Beware that the specification does not describe the first and second state of the print mechanism. Therefore it is impossible to one skilled in the art to make and or use the invention (print mechanism).

3. Understand that Claims 7-8, 18-26, 28-29, 31-32, 33-37, 44-46 are also rejected under 35 U.S.C. 112, first paragraph, because it of their dependence on claims 1, 17, 27, 30 and 43.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-8, 17-19, 26-28, 30-32, 43-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Okubo (2003/0058471).

**Claim 1**, Okubo discloses a system (**Fig. 2 shows a print system**) comprising: a processor (**CPU 11 shown in Fig. 2**) and at least one memory (**memory 13 shown in Fig. 2**) comprising a software, (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**) the software when executed performing a functionality for a print mechanism (**Section 0085, lines 1-12- thus the individual programs such as the print application is used to perform the print functionality**) the memory further comprising instructions executable by the processor to cause the processor to: operate the print mechanism in accordance with a first state, (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG**) the first state disallowing execution of the

software so that the print mechanism does not include the functionality (**Section 0113, lines 1-10- hence the addition or upgrade of the software increases the functionalities of the print mechanism**)

receive user selection information indicative of a second state, (**Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21**) the second state allowing execution of the software so that the print mechanism includes the functionality; (**Section 0113, lines 1-11, thus the print mechanism can perform the functionality with the program that was upgraded**)

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmit first information indicative of the user selection to a server (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receive second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**).

change the first state of the print mechanism to the second state using the second information from the server (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done)**

operate the print mechanism in accordance with the second state, (**Section 0087, thus after the upgrade the print mechanism operates in accordance to the new version of program upgrade) wherein the print mechanism is not configured to execute the software in order to perform the functionality while in the first state.**  
**(Section 0089- thus until there is an upgrade of the program the print mechanism does not have the capability to perform the functionalities of the program).**

**Claim 2,** Okubo discloses wherein the first state comprises a disabled state of the functionality, (**Section 0088, lines 13-20- thus before the upgrade of program the capabilities or functionalities that comes with that particular upgrade is disabled) and wherein the second state comprises an enabled state of the functionality.**  
**(Section 0089- thus after there has been an upgrade or an addition of a program the functionality of the particular program is enabled and hence it can be used).**

**Claim 3**, Okubo discloses wherein the first state comprises a first level of performance, (**Section 0088, lines 3-8, thus existing downloaded program in memory 34 has its own level of performance which is different from the capabilities of the upgraded programs**) and wherein the second state comprises a second level of performance. (**Section 0088, lines 8-13, thus after the program has been upgraded the level of performance is increased meaning more capabilities are added**).

**Claims 5 – 6**, (Cancelled).

**Claim 7**, Okubo discloses wherein the instructions are executable by the processor to cause the processor to provide the first information associated with the user selection information to the server using an external interface (**Section 0083, lines 9-15- thus the instruction comes from the user through PC21 and send to server 7 to request information**) and receive the second information associated with the functionality of the print mechanism in response to providing the first information to the server. (**Section 0083, lines 15-19-thus the response in regards to if the individual processing program can be downloaded is received**)

**Claim 8**, Okubo discloses wherein the instructions are executable by the processor to cause the processor to provide the first information associated with the user selection information to the server by providing the first information to a computer

system coupled to the external interface. (**Section 0083, lines 9-15- thus the instruction comes from the user through PC21 and sends to server 7 to request information).**

**Claim 9-16 - (Withdrawn).**

**Claim 17,** Okubo discloses a method comprising:  
performing a functionality for a print engine (**Print engine 23 shown in Fig. 11 based on the execution of software; (Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system) operating a print engine in accordance with a first state (Section 0113, lines 1-10, thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG) and a second state, (Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21) the first state disallowing execution of the software so that the print engine does not include the functionality (Section 0113, lines 1-10- hence the addition or upgrade of the software increases the functionalities of the print mechanism).**

and the second state allowing execution of the software so that the print engine includes the functionality (**Section 0113, lines 1-11, thus the print mechanism can perform the functionality with the program that was upgraded).**

receiving user selection information indicative of the second state of the print engine (**Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21)**

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmitting first information indicative of the user selection to a server; (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receiving second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software; (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**) and changing the first state of the print engine to the second state using the second information from the server, (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state))**.

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done).**

wherein the print engine operates in accordance with the second state, the print engine not configured to execute the software in order to perform the functionality while in the first state. (**Section 0089- thus until there is an upgrade of the program the print mechanism does not have the capability to perform the functionalities of the program).**

**Claim 18**, Okubo discloses receiving a list of selectable functionalities from the server, (**Section 0082, lines 1-4 thus the functionalities will be a printer or copier application**) the list including the functionality selected by the user. (**the function selection unit 20 shown in Fig. 11 is used by the user to select either the printing function or copier function**)

**Claim 19**, Okubo discloses providing an interface for the user to select the functionality from the list. (**Function selecting Unit 20 shown in Fig. 11**).

**Claim 26**, Okubo discloses wherein changing the first state of the print engine to the second state comprises upgrading software or hardware. (**Section 0114, lines 7-22, thus the program is upgraded to increase its functionalities**).

**Claim 27**, Okubo discloses performing functionality for a functional unit (**CPU 11 shown in Fig. 2**) based on the execution of software (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**)

operating the function unit in accordance with a first state (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG**) and a second state, (**Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21- hence this instruction is coming from a user through PC 21**) the first state disallowing execution of the software so that the functional unit does not include the functionality (**Section 0113, lines 1-10- hence the addition or upgrade of the software increases the functionalities of the print mechanism**)

and the second state allowing execution of the software so that the functional unit includes the functionality (**Section 0113, lines 1-11, thus the print mechanism can perform the functionality with the program that was upgraded**)

receiving user selection information indicative of the second state of the functional unit; (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**)

in response to receiving the user selection information, transmitting first information indicative of the user selection to the server; (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**)

receiving from the server, second information in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software;

**(Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program).**

and

changing the first state of the functional unit the second state using the second information from the server, **(Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

**(NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done)**

wherein the functional unit operates in accordance with the second state, **(Section 0087, thus after the upgrade the print mechanism operates in accordance to the new version of program upgrade)** the functional unit not configured to execute the software in order to perform the functionality while in the first state. **(Section 0089- thus until there is an upgrade of the program the print mechanism does not have the capability to perform the functionalities of the program).**

**Claim 28,** Okubo discloses wherein the functionality for the functional unit comprises a Facsimile capability. **(FIG. 18 shows that memory 413 has a program that supports Fax or facsimile)**

**Claim 29**, Okubo discloses wherein the functionality for the functionality unit comprises a scanner capability. (**Fig. 11 El 22 shows a scanner which is used as a scanner capability**).

**Claim 31**, Okubo discloses wherein the functionality comprises a facsimile function. (**FIG. 18 shows that memory 413 has a program that supports Fax or facsimile**).

**Claim 30**, Okubo discloses a system (**Fig. 2 shows a print system**) comprising; a processor; (**CPU 11 shown in Fig. 2**) and at least one memory (**memory 13 shown in Fig. 2**) comprising software, the software, (**Fig. 3 shows clearly that memory 13 comprises of programs or software which are executed within the system**) when executed, performing a functionality for a functional unit, (**Section 0085, lines 1-12- thus the individual programs such as the print application is use to perform the print functionality**)

the memory further comprising instructions executable by the processor to cause the processor to:

operate the functional unit in accordance with a first state, (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG**) the first state disallowing execution of the software so that the functional unit does not include the functionality; (**Section 0113, lines 1-10-**

**hence the addition or upgrade of the software increases the functionalities of the print mechanism)**

receive user selection information indicative of a second state, (**Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21**) the second state allowing execution of the software so that the functional unit includes the functionality. (**Section 0113, lines 1-11, thus the print mechanism can perform the functionality with the program that was upgraded**).

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmit first information indicative of the user selection to a server; (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receive second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software; (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**).

change the first state of the functional unit to the second state using the second information from the server; (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state)).**

(**NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done)**

and

operate the functional unit in accordance with the second state, (**Section 0087, thus after the upgrade the print mechanism operates in accordance to the new version of program upgrade**) wherein the functional unit is not configured to execute the software in order to perform the functionality while in the first state. (**Section 0089- thus until there is an upgrade of the program the print mechanism does not have the capability to perform the functionalities of the program**)

**Claim 32**, Okubo discloses wherein the functionality comprises a scanner function. (**Fig. 11 El 22 shows a scanner which is used as a scanner capability**).

**Claim 35**, Okubo discloses wherein the functionality for the print mechanism comprises a software or hardware upgrade. (**Section 0114, lines 7-22, thus the program is upgraded to increase its functionalities**)

**Claim 36,** Okubo discloses wherein the functionality comprises at least one of performance capabilities, renewable capabilities, and upgrade capabilities. (**Section 0088, lines 13-20-** thus Copier 1 has the capability to upgrade the programs in memory 13)

**Claim 37,** Okubo discloses wherein the system comprises a printer with multiple hardware modules. (**fig. 11 shows print engine 23 that can perform printing capabilities and it also includes coping capabilities therefore it can both carry out printing and coping**)

**Claim 38,** Okubo discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Fig. 8 shows that at a point in time either a printer or copier program is enabled**)

Claims 39-42 – (Withdrawn)

**Claim 43,** Okubo discloses a printer (**MFP 1 shown in Fig. 1 can print and therefore it is a printer**) with multiple hardware modules (**Fig. 2 shows different hardware modules**) that includes the discloses a method comprising:

performing a functionality for a print engine based on the execution of software; (**Section 0085, lines 1-12-** thus the individual programs such as the print application is use to perform the print functionality) operating a print engine in accordance with a first state (**Section 0113, lines 1-10,** thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG) and a second state, (**Section 0088, lines 8-12-** thus the determination is made based on the information instructed by PC 21-hence this instruction is coming

**from a user through PC 21)** the first state disallowing execution of the software so that the print engine does not include the functionality (**Section 0113, lines 1-10- hence the addition or upgrade of the software increases the functionalities of the print mechanism**) and the second state allowing execution of the software so that the print engine includes the functionality; (**Section 0113, lines 1-11, thus the print mechanism can perform the functionality with the program that was upgraded**)

receiving user selection information indicative of the second state of the print engine; (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**)

in response to receiving the user selection information, (**Section 0088, thus based on the received information from PC 21, it is determined as to whether the program needs upgrade or not**) transmitting first information indicative of the user selection to a server (**Section 0115- thus the information sent from PC 21 goes to server 7 to find the program that needs to be upgraded**).

receiving second information from the server in response to the first information, (**Section 0114, lines 7-18- thus the individual processing program is searched for on the server 7 and a response as to whether the program can be found is sent back to the user**) where the second information enables execution of the software; (**Section 0114, lines 13-20- thus after it is determined that upgrade is appropriate, the program is upgraded which gives the print mechanism the capability to perform the functionality of the program**).

and changing the first state of the print engine to the second state using the second information from the server, (**Section 0114, lines 7-13- thus after it is determined that it is appropriate to upgrade the program, then the print mechanism is changed from not upgrade (first state) to upgraded mechanism (Second state))**.

(**NB: Section 0115 Understand that the individual processing program has to be found in server 7 before an upgrade can be done**)

wherein the print engine operates in accordance with the second state, (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG**) the print engine not configured to execute the software in order to perform the functionality while in the first state. (**Section 0113, lines 1-10- hence the addition or upgrade of the software increases the functionalities of the print mechanism**)

**Claim 44**, Okubo discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Fig. 8 shows that at a point in time either a printer or copier program is enabled**)

**Claim 45**, Okubo discloses wherein the print engine operates within a printer with multiple hardware modules. (**fig. 2 shows that copier 1 has print engine 23 and it also has a plurality of modules like function unit 18 and function selecting 20**)

**Claim 46**, Okubo discloses wherein the functionality comprises enabling at least one of the hardware modules. (**Fig. 8 shows that at a point in time either a printer or copier program is enabled**).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 20-25 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okubo (2003/0058471) in view of Fujitani (20010034747).

**Claim 4**, Okubo discloses all the limitations in Claim 1 but does not disclose wherein the second information comprises an encryption key.

Fujitani discloses wherein the second information (**Section 0045, lines 8-14- thus the information inputted by the user includes identifications or password or PIN code of the user**) comprises an encryption key (**thus is the key (information provided) matches then a requested print process proceeds**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6 or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2 so that users will be able to input their ID's for confirmation before a print job can proceed. The motivation for this modification is to avoid unauthorized users getting confidential documents.

**Claim 20,** Okubo discloses all the limitations in claim 1 but does not disclose providing an interface for the user to enter the payment information.

Fujitani discloses providing an interface for the user to enter the payment information. (**Fig. 7 shows an interface that is used by the user to select or enter payment information such as how payment is going to be made- please see section 0043, lines 14-18.**) Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier to include fujitani's user interface as shown in Fig. 7 so that the user can select how he wants payment to be made. This will enable the user to have a preferred way to make his payment.

**Claim 21,** Okubo in view of Fujitani discloses providing the payment information (**Fujitani: Section 0043, lines 14-18- thus the user input how payment is going to be made**) to the server (**Okubo: Server 7-please see Section 0033).**

**Claim 22,** Okubo in view of Fujitani discloses receiving second information associated with the functionality from the server in response to providing the user selection information (**Okubo: Section 0112- thus the user uses function selecting unit 20 to select either a copier or a printer mode**) and the payment information (**Fujitani: Section 0043, lines 14-18- thus the user input how payment is going to be made**) to the server (**Okubo: Server 7-please see Section 0033).**

**Claim 23,** Okubo discloses all the limitation in Claim 1 but does not disclose further comprising receiving payment information associated with the user selection information from the user.

Fujitani discloses receiving payment information associated with the user selection information from the user. (**Fujitani: Section 0043, lines 14-18-** thus the **user input how payment is going to be made and thus the payment information is received before the confirmation can be made**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier 6 or MFP 1 to include Fujitani's input unit 114 as clearly shown in Fig. 2 so that users will be able to input their ID's for confirmation before a print job can proceed. The motivation for this modification is to avoid unauthorized users getting confidential documents.

**Claim 24,** Okubo discloses all the limitations in Claim 17 but does not discloses wherein changing the first state of the print engine to the second state comprises changing a print speed of the print engine.

Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print speed of the print engine. (**Fujitani: Section 0053, lines 5-8 and Claim 62-** thus the **user selects the speed that he wants the printer to print- hence the user can print at a selected print speed**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier and the MFP so that users can change the print speed and this will unable the user to have an input as to how fast the document will be printed.

**Claim 25,** Okubo discloses all the limitations in Claim 17 but does not disclose wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine.

Fujitani discloses wherein changing the first state of the print engine to the second state comprises changing a print resolution of the print engine. (**Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution to another).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Okubo's copier or MFP to include Fujitani's print resolution interface so that user can change the resolution of the printer. this will let users have different resolutions at which the document can be printed.

**Claim 33,** Okubo in view of Fujitani discloses wherein the functionality for the print mechanism comprises a print speed. (**Fujitani: Section 0053, lines 5-8 and Claim 62- thus the user selects the speed that he wants the printer to print- hence the user can print at a selected print speed).**

**Claim 34,** Okubo in view of Fujitani discloses wherein the functionality for the print mechanism comprises a print resolution. (**Section 0053, lines 7-9- thus the user has to select between the two levels of resolution that the printer can print and therefore the resolution can be changed from one resolution to another)**

### ***Response to Arguments***

1. Applicant's arguments filed 03/18/2009 have been fully considered but they are not persuasive.

#### **Regarding 112 rejections:**

Applicant claims that the first and the second state allows and disallows the execution of some program and software stored in the memory 13. There is no support in the specification and drawings the first state disallowing the execution of software and the second state allowing the execution of software. Therefore the 112 rejection is maintained.

#### **Regarding 103 rejections:**

Regarding Claim 1, applicant argues that the cited reference fails to disclose causing a processor to operate a print mechanism in a first and a second state.

**In reply,** Examiner respectfully disagrees because Okubo discloses a state where the program or software in memory 13 needs upgrade or needs to be replaced. (**Please see Section 0113, lines 1-12)** Hence the first state is where the program has not been upgraded this means that the functionalities that comes with the upgrade of the program is disallowed. (**Please see Section 0113, lines 12-17)**

Hence when the program is upgraded then copier 1 enters into second state where the function that comes with the upgrade is available to the copier. Understand that when the program already in memory can also support a printing and copying only,

when the program is upgraded into faxing then afterwards the copier can fax as well.

**(Please see Fig. 18 where Program 4 and parameter 4 is added as new to memory 413).**

Regarding Claim 10 the applicant argues that cited references fails to disclose operating a functional unit in a first and second state.

**In reply,** Examiner respectfully disagree because Okubo discloses copier 6 or MFP1 which is a functional unit and it can be a first (**Section 0113, lines 1-10, thus the first state is when there has not been any upgrades hence when the controller notify the PC with NG**) and a second state, (**Section 0088, lines 8-12- thus the determination is made based on the information instructed by PC 21-hence this instruction is coming from a user through PC 21**)

**NB:** Understand that the second state because the first state is when the program is not upgraded and the second state is when the print mechanism is when the program is upgraded.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

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Application/Control Number: 10/826,738  
Art Unit: 2625

Page 26